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4 Attorney for Plaintiffs  
VICKI J. AZNARAN and RICHARD N. AZNARAN  
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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 VICKI J. AZNARAN and RICHARD N. )  
AZNARAN, )  
12 Plaintiffs, )  
13 vs. )  
14 CHURCH OF SCIENTOLOGY OF )  
15 CALIFORNIA, INC., et al. )  
16 Defendants. )

Case No. CV-88-1786-JMI (EX)  
PLAINTIFFS' EX PARTE  
APPLICATION FOR CONTINUANCE  
OF HEARING DATE, OR, IN THE  
ALTERNATIVE, FOR AN  
ENLARGEMENT OF TIME TO FILE  
OPPOSITION TO MOTION FOR  
SUMMARY JUDGEMENT;  
DECLARATION OF COUNSEL;  
MEMORANDUM OF POINTS AND  
AUTHORITIES

17  
18 AND RELATED COUNTER CLAIM  
19

Date: Discretionary  
Time: Discretionary  
Ct: Hon. James M. Ideman

20 TO DEFENDANTS AND THEIR COUNSEL OF RECORD:

21 PLEASE TAKE NOTICE that at the discretion of the Court, the  
22 Honorable James M. Ideman presiding, Plaintiffs Vicki J. Aznaran and  
23 Richard N. Aznaran will move the above-entitled court for an Order  
24 continuing to December 17, 1990, the hearing date whereupon the Court  
25 will determine the Motion for Summary Judgement filed on or about  
26 October 22, 1990. In the alternative, Plaintiffs request an  
27 enlargement of time to November 19, 1990, to file their opposition to  
28 Defendants' Motion for Summary Judgement.

EXHIBIT D 078  
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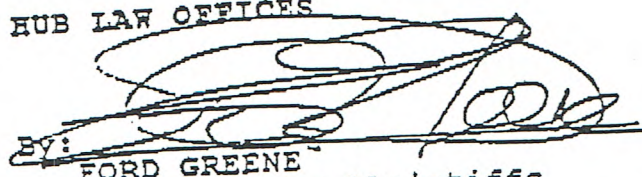
PLAINTIFFS' EX PARTE APPLICATION FOR CONTINUANCE

FORD GREENE, ESQUIRE  
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1 This motion is based upon Rules 56(f) and 6(b) of the Federal  
2 Rules of Civil Procedure and Local Rules 7.18.1 and 7.3.2.

3 DATED: November 14, 1990

HUB LAW OFFICES



BY: FORD GREENE  
Attorney for Plaintiffs

DECLARATION OF COUNSEL

FORD GREENE declares:

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9  
10 1. I am an attorney licensed to practice law in the Courts of  
11 the State of California, the Middle District of California for the  
12 United States District Court and am the attorney of record for Vicki  
13 J. Aznaran and Richard N. Aznaran, plaintiffs herein.

14 2. On or about October 22, 1990, defendants jointly filed  
15 their Notice of Motion and Motion for Summary Judgement with the  
16 matter set to be heard on November 19, 1990. The memorandum in  
17 support of the motion is 72 pages in length.

18 3. Pursuant to stipulation among the plaintiffs and  
19 defendants, filed on or about November 5, 1990, the hearing date was  
20 continued to December 3, 1990 and plaintiffs' opposition would be due  
21 on November 13, 1990.

22 4. On November 13, 1990, I attempted to file an ex parte  
23 motion with the Court that was practically identical in substance to  
24 the instant application, however, such application was rejected for  
25 filing because the original signature thereon had been transmitted by  
26 telecopier. A true and correct copy of Civil Return Letter from the  
27 Office of the Clerk in connection with the ex parte application is  
28 attached hereto as Exhibit 1. Thus, since the time for plaintiffs'  
response to have been filed was November 13, 1990, and plaintiffs

EXHIBIT D

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PLAINTIFFS' EX PARTE APPLICATION FOR CONFERENCE

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1 attempted, but in fact did not file an Ex Parte Application to  
2 Continue or Enlarge, the herein application brought pursuant to Local  
3 Rule 7.3.2 because the time within which plaintiffs were to file  
4 their opposition to defendants' Rule 56 motion has expired.

5 5. Defendants have raised a myriad of issues in their Rule 56  
6 motion. Included therein is a challenge predicated upon the  
7 contention that plaintiffs have no basis for their allegation that  
8 the corporate integrity of defendants should be disregarded.  
9 Plaintiffs have pleaded that defendants constitute a single entity  
10 controlled by one to three individuals and that their respective  
11 corporate integrity should be disregarded. In this regard, and for  
12 other purposes, plaintiffs have served top Scientology leader, David  
13 Miscavige with a deposition subpoena. They are litigating to compel  
14 the his deposition of David Miscavige whom defendant RTC and  
15 Miscavige have sought to quash. Magistrate Eick's ruling is expected  
16 this week.

17 6. Further, I require additional time to obtain the affidavits  
18 that are required to show at least there is an issue of fact with  
19 respect to the issue of corporate integrity of the Scientology-  
20 related and controlled defendants and whether or not their respective  
21 corporate insulation should be penetrated. I have made efforts to  
22 obtain such information and evidence over the course of the past  
23 three weeks and am continuing to obtain and marshal such evidence.  
24 Additionally, I have endeavored to meet the multiple issues raised by  
25 defendants in their 72 page motion and to complete the drafting of  
26 plaintiffs' opposition thereto.

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EXHIBIT D

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PLAINTIFFS' EX PARTE APPLICATION FOR CONTINUANCE

FORD GREENE, ESQUIRE  
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(415) 288-0380

1 Compliance With Rule 7.18.1

2 7. It was originally my hope that I could complete the  
3 gathering of evidence and complete drafting the opposition of the  
4 course of the three day weekend that just passed, however, I was  
5 unable to do so. Since on Friday, November 9, 1990, it was my  
6 objective to have the opposition filed and served on Tuesday,  
7 November 13, 1990. Thus, I worked through most of the night in an  
8 effort to complete plaintiffs' opposition. When it became clear that  
9 I would not be able to complete the opposition, I notified a courier  
10 service that I would need to get a document to Los Angeles the same  
11 day (November 13th) and commenced the drafting of what started out to  
12 be the instant motion. As the courier arrived at my office and I  
13 started to print out the ex parte application, the electricity in my  
14 section of the building housing my office went out. Alas, at that  
15 time I discovered that I had not saved the file I was attempting to  
16 print. I was unable to provide the document to the messenger within  
17 the time required to get it to Los Angeles because I had to redraft  
18 the same. Thereafter, I telecopied the ex parte application to Los  
19 Angeles, but did not leave the signature space blank for an  
20 authorized person to sign on my behalf and signed it instead. Thus,  
21 the clerk's office would not accept the same for filing.

22 In light of the fact that I had to (but to the power outage was  
23 unable to) provide a courier with the instant application at the  
24 outset of the day in order to insure that it would be filed in Los  
25 Angeles before the close of the business day, I was unable to contact  
26 opposing counsel with respect to the original application. However,  
27 at approximately 3:00 p.m. I did telecopy the ex parte application to  
28 local counsel for all defendants, Bowles and Moxon.

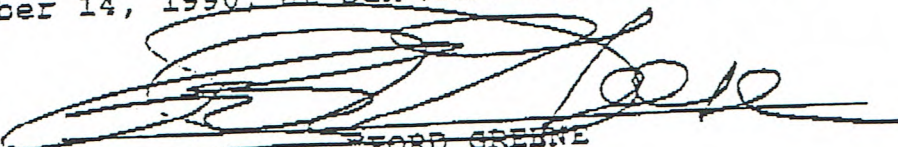
718 SIX FRANCIS DRAKE BOULEVARD  
SAN ANSELMO, CALIFORNIA 94050-1849  
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1 Subsequently, at the end of the day when I was notified that the  
2 ex parte application had been received and returned, I telephoned the  
3 law firm of Bowles and Moxon and asked to speak with either attorney  
4 Kendrick Moxon or Laurie Bartilson, both of whom I was advised were  
5 not available. I left a message with the receptionist to advise them  
6 that I intended to file the herein application for the purpose of  
7 obtaining permission to file the herein application after the time to  
8 oppose the Rule 56 motion had elapsed and to either continue the  
9 hearing date on the motion or to enlarge the time for my response  
10 thereto.

11 Thus, I do not know whether counsel oppose this application or  
12 not.

13 Under penalty of perjury pursuant to the laws of the State of  
14 California I hereby declare that the foregoing is true and correct  
15 according to my first-hand knowledge, except those matters stated to  
16 be on information and belief, and as to those matters, I believe them  
17 to be true.

18 Executed on November 14, 1990, at San Anselmo, California

19   
20 FORD GREENE

21  
22 MEMORANDUM OF POINTS AND AUTHORITIES

23 Local Rule 7.18 authorizes making an ex parte application and  
24 Local Rule 7.3.2 states that the time within which a document is  
25 required to be filed may be enlarged by order of the Court before or  
26 after the expiration of the time for such filing. Rule 6 of the  
27 Federal Rules of Civil Procedure further authorizes bringing a motion  
28 for the enlargement of time to respond to a motion.

EXHIBIT D08200003

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1 Rule 56(f) of the Federal Rules of Civil Procedure authorizes  
2 continuing the hearing date on a motion for summary judgement in  
3 order to allow the party opposing the motion to obtain affidavits  
4 required to defeat the motion.

5 In the instant case defendants have filed a motion the  
6 memorandum for which is 72 pages in length; more than twice the  
7 number of pages allowed by the local rules without the authorization  
8 of the Court. Among the myriad of issues raised therein, plaintiffs  
9 must provide evidence justifying their position that the corporate  
10 veils of the respective defendants should be penetrated. Plaintiffs  
11 require more time both to respond to the size of defendants' motion  
12 and to obtain the evidence necessary to successfully resist it.

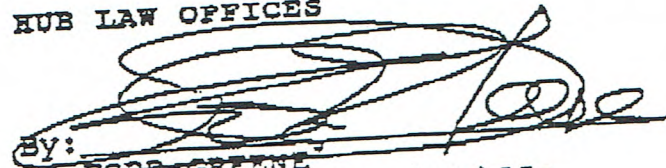
13 As Fed.R.Civ.P. 56(f) authorizes the Court to make such rules as  
14 are appropriate to the situation of an opposing party requiring  
15 additional time to respond, plaintiffs respectfully request that the  
16 hearing date be continued to December 17, 1990.

17 In the alternative, pursuant to Rule 6 plaintiffs respectfully  
18 request that the Court enlarge the time for them to file and serve  
19 their opposition to November 19, 1990.

20 In any event, plaintiffs request that this Court order that the  
21 instant motion be filed so that plaintiffs' opposition will not be  
22 considered to be in default.

23 DATED: November 14, 1990

HUB LAW OFFICES

By:   
FORD GREENE  
Attorney for Plaintiffs

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EXHIBIT D 000031